# Summary Guide to the British Columbia Environmental Assessment Process

## Background

British Columbia's *Environmental Assessment Act* (the Act) requires that certain large-scale project proposals undergo an environmental assessment and obtain an environmental assessment certificate before they can proceed. The current legislation came into effect in December 2002, replacing the previous *Environmental Assessment Act* which had been in effect since June 1995. The provincial government is committed to more flexible, efficient and timely reviews of proposed major projects to help revitalize the provincial economy. This is why a new, streamlined environmental assessment process was introduced in 2002.

The environmental assessment process identifies and assesses the potential effects that may result from a proposed project, and develops measures for managing those effects. In general, environmental assessment includes four main elements:

1) opportunities for all interested parties, including First Nations, to identify issues and provide input;
2) technical studies of the relevant environmental, social, economic, heritage and/or health effects of the proposed project;
3) identification of ways to prevent or minimize undesirable effects and enhance desirable effects; and
4) consideration of the input of all interested parties in compiling the assessment findings and making decisions about project acceptability.

The *Environmental Assessment Act* and accompanying regulations establish the framework for delivering environmental assessments. However, the scope, procedures and methods of each assessment are tailored specifically to the circumstances of the proposed project. This allows for each assessment to focus on the issues relevant to whether or not that project should proceed.

Environmental assessment is one component of British Columbia's overall land and resource management system. Other components include land use planning, land and resource tenuring, permitting and other review/approval mechanisms, and operations management. Each component, and its applicable laws, regulations, policies and technical guidelines, supports provincial goals for economic development, environmental protection and community stability.

## Types of Projects Reviewed

The Reviewable Projects Regulation defines the types and sizes of projects that are automatically subject to the *Environmental Assessment Act*. An environmental assessment takes into account facilities at the main site and may also consider off-site facilities or related activities that could have an impact. For example, the assessment of a proposed pulp mill would consider the impact of transporting material to and from the mill.

In exceptional cases, the Minister of Sustainable Resource Management may designate a proposed project as reviewable even though it is not included in the Reviewable Projects Regulation. This could occur when the project may have significant adverse effects, and the minister is satisfied that it would be in the public interest for the project to undergo an environmental assessment. In addition, the proponent of a project that is not included in the Reviewable Projects Regulation may apply to the Environmental Assessment Office (EAO) to have the project designated as reviewable. In this case, the EAO considers the reasons for the request and makes a decision on whether or not to conduct an assessment.

Proponents are responsible for determining if their projects meet or exceed the thresholds set out in the Reviewable Projects Regulation, and are therefore reviewable under the Act. Projects subject to review include:

- Industrial Projects (e.g., chemical manufacturing, primary metals industries, forest products industries).
- Energy Projects (e.g., power plants, electric transmission lines, natural gas processing plants, transmission pipelines).
- Mine Projects (e.g., coal and mineral mines, sand and gravel pits, placer mines).
- Water Management Projects (e.g., dams, dykes, water diversions, groundwater extraction).
- Waste Management Projects (e.g., special waste facilities, local government solid and liquid waste management facilities).
- Food Processing Projects (e.g., meat and meat products manufacturing, fish processing).
- Transportation (e.g., large public highways and railways, large ferry terminals and marine ports).
- Tourist destination resorts (e.g., large golf, marina and ski hill destination resorts).

## Features of the Assessment Process

**Neutral Administration:** The process is administered by the EAO, an independent and neutral office.

**Comprehensiveness:** Assessments consider relevant environmental, economic, social, health, and/or heritage effects for the life cycle of the project.

**Flexibility:** The scope of the assessment and the methods and procedures used are tailored to the circumstances presented by the individual project.

**Balanced Decision Making:** Certification decisions are made by three ministers with a broad range of portfolio interests, ensuring balanced, politically accountable decision making.

**Concurrent Approvals:** The review of other provincial approvals such as permits or licenses can be conducted concurrently with the environmental assessment to facilitate more timely issuance of those approvals.

**Canada-British Columbia Cooperation:** When a project is subject to both federal and provincial environmental assessment legislation, the federal and British Columbia governments cooperate in a joint assessment to reduce duplication and overlap. At the end of a joint assessment, each government makes a separate decision on the project.

## Steps in the Assessment Process

### 1) Determining if the *Environmental Assessment Act* Applies

Projects subject to the *Environmental Assessment Act* are called "reviewable projects". There are three ways a project may be considered reviewable:

- it falls within a category of project that is included in the Reviewable Projects Regulation and is of sufficient size to meet or exceed the prescribed thresholds;
- the Minister of Sustainable Resource Management designates it as reviewable; or
- at the request of the proponent, the EAO designates it as reviewable.

## 2) Determining the Review Path

In nearly all cases, the environmental assessment will be led and managed by the EAO. However, the Act provides for variations from this process in exceptional cases. The EAO examines any special circumstances that warrant either:

- that the project be referred to the Minister of Sustainable Resource Management to determine how the assessment will be conducted. In this case, the minister may establish a different assessment process, such as a hearing panel or commission of inquiry, to meet the special circumstances of a project; or
- that the requirements for an environmental assessment be waived. This may happen only when it can be readily determined that the project will not result in any adverse effects.

**The following steps 3-8 describe the typical, EAO-led process, which are illustrated in Figure 1.**

## 3) Determining How the Assessment will be Conducted

The EAO is responsible for determining how the assessment will be conducted, including the scope of the assessment and the procedures and methods to be used. EAO staff consider input and advice from government agencies, First Nations, and the public in making this determination. The EAO issues a procedural order which sets out the process for conducting the assessment.

## 4) Developing and Approving Terms of Reference for the Application

The proponent is required to submit an application for an environmental assessment certificate. To ensure the application contains the necessary information, the proponent prepares terms of reference for the application, in consultation with the EAO, other government agencies, First Nations, and the public. The terms of reference set out the information requirements and how they will be met, and must be approved by the EAO.

## 5) Preparing and Submitting the Application

The proponent prepares the application according to the approved terms of reference and submits it to the EAO. The EAO has 30 days to ensure the application contains the required information. If there are deficiencies in the application, the proponent must address them and resubmit the application. The EAO may only accept an application for review if it contains the required information.

### 6) Reviewing the Application

Review of the application normally includes: review by government agencies, First Nations and the public; First Nation and public consultation; a formal public comment period; and opportunities for the proponent to respond to issues raised. Government has up to 180 days (approximately six months) to complete the review, prepare the assessment report and refer the application to ministers (Step 7).

### 7) Preparing the Assessment Report and Referring the Application to Ministers

At the end of the application review, the EAO prepares an assessment report which documents the findings of the environmental assessment, including the issues raised and how they have been or could be addressed. The EAO may also prepare recommendations and reasons for the recommendations. The assessment report and application are referred to ministers for a decision on whether to issue an environmental assessment certificate. The ministers responsible for this decision are:

- the Minister of Sustainable Resource Management;
- the Minister of Water, Land and Air Protection; and
- the "responsible minister" for the particular type of project.

For example, the responsible minister for mine projects is the Minister of Energy and Mines.

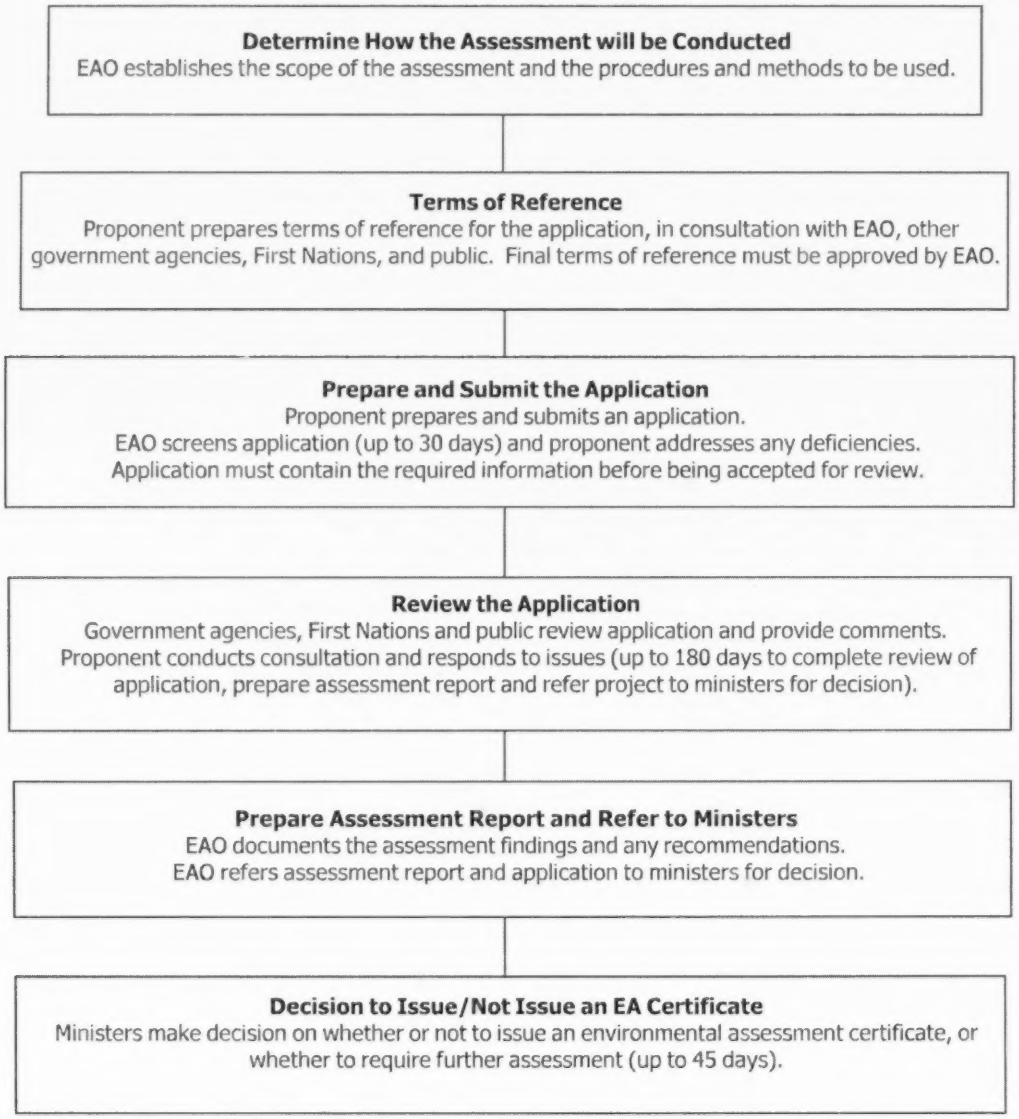
### 8) Deciding to Issue/Not Issue an Environmental Assessment Certificate

Ministers have 45 days to decide whether or not to issue an environmental assessment certificate, or whether to require further assessment. In making this decision, ministers consider the information provided by the EAO and any other matters they consider relevant. If ministers decide to grant an environmental assessment certificate, the certificate usually contains project-specific conditions that the proponent must adhere to in proceeding with the project, such as requirements for environmental monitoring or ongoing consultation.

## Length of Assessment Process

To ensure that assessments are conducted in a timely and efficient manner, the *Environmental Assessment Act* requires that certain actions and decisions be carried out within a time limit. These time limits, which apply to both government and proponent activities, are specified in the Prescribed Time Limits Regulation. Additional time limits are established on a project-by-project basis as appropriate.

**Figure 1: Summary of a Typical Environmental Assessment Process Led and Managed by the Environmental Assessment Office (EAO)**


Determine How the Assessment will be Conducted
EAO establishes the scope of the assessment and the procedures and methods to be used.
Terms of Reference
Proponent prepares terms of reference for the application, in consultation with EAO, other government agencies, First Nations, and public. Final terms of reference must be approved by EAO.
Prepare and Submit the Application
Proponent prepares and submits an application.
EAO screens application (up to 30 days) and proponent addresses any deficiencies.
Application must contain the required information before being accepted for review.
Review the Application
Government agencies, First Nations and public review application and provide comments.
Proponent conducts consultation and responds to issues (up to 180 days to complete review of application, prepare assessment report and refer project to ministers for decision).
Prepare Assessment Report and Refer to Ministers
EAO documents the assessment findings and any recommendations.
EAO refers assessment report and application to ministers for decision.
Decision to Issue/Not Issue an EA Certificate
Ministers make decision on whether or not to issue an environmental assessment certificate, or whether to require further assessment (up to 45 days).

Review of a proponent's application may take up to 180 days (about six months), depending on the complexity of the project and the issues raised. This includes a time-limited public comment period, usually set between 30-75 days. To avoid having reviews go on indefinitely, proponents are required to submit an application within three years after the terms of reference are approved.

## First Nation Consultation

The Province must consider aboriginal interests in relation to an environmental assessment. The EAO consults First Nations whose interests may be impacted by a proposed project to ensure First Nation issues and concerns are identified, and adequate efforts are made to address those issues and concerns. The project proponent is also required to undertake consultations with First Nations. The EAO monitors and evaluates the proponent's consultations and may direct the proponent to undertake further measures. The EAO may provide funding to assist First Nations to participate in the environmental assessment process.

## Public Participation

Public consultation and participation contribute to the gathering and sharing of all relevant information related to the potential effects of a proposed project. The public is encouraged to identify project-related issues at the earliest opportunity. Proponents are advised to identify potentially affected members of the public and undertake consultation activities as early as possible to facilitate effective issue identification.

The *Environmental Assessment Act* includes provisions for public notification, access to information and consultation. In addition, the Public Consultation Policy Regulation sets out general policies that the EAO must take into account when determining the consultation requirements for an environmental assessment. In general, each assessment includes public notice, access to information, public consultation, public comment periods, and consideration of and reporting on public issues. Consultation requirements and opportunities for participation are determined on a project-by-project basis, to best suit the characteristics of the project and the communities and interests which may be affected.

## Project Information Centre

The *Environmental Assessment Act* establishes a Project Information Centre to facilitate access to general information about the environmental assessment process, as well as specific information on individual project assessments. The principal means of accessing the Project Information Centre is through the EAO's website (www.eao.gov.bc.ca). When a project is located in a region where Internet access is not adequate, hard (paper) copies of select documents may be housed in local public facilities, such as libraries or government agents' offices.

Information on the Project Information Centre website is updated on an ongoing basis. All parties with an interest in an environmental assessment are encouraged to visit the website regularly to keep up to date on new information as it becomes available.

If you have further questions on the environmental assessment process in British Columbia, please contact the Project Information Centre in Victoria.

**Location: 2nd Floor, 836 Yates Street, Victoria, British Columbia, V8V 1X4**
**Mail: PO Box 9426 Stn Prov Govt, Victoria, BC V8W 9V1**
**Phone: (250) 356-7441 (Victoria)**
**Toll-free calls through Enquiry BC: 1-800-663-7867 or**
**(604) 660-2421 (Vancouver)**
**Fax: (250) 356-7440**
**Email: eaoinfo@gems5.gov.bc.ca.**
**Website: www.eao.gov.bc.ca**

The "Guide to the British Columbia Environmental Assessment Process" provides information for all interested parties on the *Environmental Assessment Act* and how environmental assessments are conducted in British Columbia. In addition, supplementary guides are available that provide further information specifically for project proponents, First Nations and the public. These guides may be viewed on the Project Information Centre website.